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No sooner had the party of nine pupils finally gotten under way than Applegate received a letter from the Commissioner calling attention to a letter sent him, apparently by Jesse Kirk himself. In it, the writer accused Police Captain Joseph Kirk, a part-Modoc, and Judge Jack Palmer, a Lower End Klamath, of using their influence against sending children to nonreservation schools. "There are two parties here," wrote Applegate, "who oppose each other on nearly all propositions, the two leaders of which are Captain Joseph Kirk and Rev. Jesse Kirk, half brothers, and who are among our most advanced and able men." He promised to refer the matter to Gen. A. C. Hawley, a Special Agent then visiting Klamath.[15]

Ironically, Jesse Kirk's stand was soon reversed. Soon after he had deposited his sons at Carlisle, the elder boy, Clayton, in company with another pupil, Joseph Ball, ran away and was only recaptured in Pittsburgh. In Applegate's view, Joe Ball, an interbreed and a product of the public school in Klamath Falls, was the ringleader of the escapade and had led his more impressionable companion astray.[16] The senior Kirk thereupon sought to have both sons returned, and Applegate tried to put him off.[17] To Major Pratt at Carlisle he wrote ruefully:

> . . . I have been reconsidering the idea of sending you a class and even regret that I did send the class of nine, as things have turned out. It is hard to get pure bloods to go, and the pressure to get away from the reservation to our non-reservation schools is almost invariably from the mixed element. The Klamaths and Modocs are a determined lot and Rev. Jesse Kirk, son of a resolute old warchief, is no exception to the rule. A short time ago the principal champion of Carlisle he is now ready to move Heaven and Earth to secure the return of his boys since Clayton's escapade, and I wish they were all back.[18]

This action brought into confrontation an embattled Agent and the defiant leaders of the reservation. In Jesse Kirk the Indians has as leader a product of those very "civilizing" forces upon which the government had rested sanguine hopes. The son and namesake of one of the treaty signatories, we have encountered him previously as schoolboy and carpenter's apprentice, as interpreter and as ordained Methodist preacher. In 1886 a representative of the Indian Rights Association characterized him as "a superior man, in poor health and great poverty, . . .

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error which has crept in from the lapse of years or the result of modern nomenclature applied to the mountains by the younger Indians since the treaty was made." They noted that the latter confidently located points upon the boundary that their elders, the actual signatories, could identify only with uncertainty or conflict.[40] The reservation boundaries thus delineated often exceeded considerably those described by the signatories. The claims of the younger men recall the oral traditions of the treaty councils, for they are surely part of the same outlook.

The commission report brought dismay to the Klamath. The eastern boundary, recalls one adherent of Jesse Kirk, was satisfactory as finally delineated, but strong feeling simmered regarding the location of the southern boundary. The finding that the southeastern boundary point, *kalwal*, Point of Rocks, lay at Barkley Springs, placed it too far north, the Indians claimed, and it had the effect of leaving the Swan Lake area (where the Applegates had interests)[41] outside the reservation. The suspicions thus generated soured Klamath relations with the Agent as well as with his brother, but remained latent until other frictions aroused them.

In 1900, James McLaughlin, U.S. Indian inspector, executed what was to be the penultimate agreement upon the boundary issue. In his report to the Secretary of the Interior, he warmly praised a local assistant:

> I was fortunate in securing as guide and interpreter, the services of Jesse Kirk, an intelligent full blood Klamath Indian, to accompany me throughout my field work, as he had accompanied the Boundary Commission in 1896 when the boundary line described in the treaty of October 14, 1864 was determined, and was also employed by the Allotting Agents throughout the entire allotment of lands on the Klamath reservation, and, having a most remarkable memory, knows the legal sub-divisions of section, township and range of every allottee on the reservation.[42]

With ratification of the agreement hanging in the balance, the Indians once more proposed a delegation to Washington, to be comprised of Jesse Kirk, William Crawford, and Jeff Riddle.[43] There was, however, a significant discord. In a petition transmitted to the Commissioner of Indian Affairs, Harrison Brown, judge of the Indian Court, related that after the council with

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McLaughlin, Jesse Kirk had called together about forty Indians in a secret, "pretend Council" to select the delegation. When queried, Kirk maintained that it had the sanction and authorization of the Agent. Brown had then sought out Applegate, who told him "that he had concluded to have nothing to do with said council."

About the date that the delegation was due to leave, Brown and others assembled at Yainax, where they asked for and received a petition in which they set forth their views. Then and there it was signed by forty-three persons, together with further endorsements from the Lower End. Brown then conferred with Applegate and with Henry Jackson. The Agent, he reported, assented to the action that had been taken. However, that night two members of the Indian police, allegedly acting on Applegate's orders, accosted Brown and relieved him of the petition. The next day, in Klamath Falls, one John S. Orr, who seems to have been serving as advocate for Brown's faction, received a letter from Applegate instructing him to desist from communicating with the authorities at Washington.

The petition, with corroboration by Henry Jackson, was duly notarized at Klamath Falls. F. H. Mills, who signed as witness, was soon to reappear.[44]

As matters turned out, Jesse Kirk finally left for Washington alone, armed with letters of introduction from the Agent to Oregon's Senators McBride and Simon, Congressmen Tongue and Moody, and Commissioner Hermann of the General Land Office. Applegate had gone out of his way to secure for Kirk a special fare on the railroad and a loan from the bank in Klamath Falls. Reading his almost anxious instructions to the delegate, now arrived in the capital, one has a clear impression that the Agent felt that he was writing to a devoted friend.[45]

He was soon disillusioned. As we know now, Jesse Kirk had even then fired off his salvo declaring his half-brother, Joseph Kirk, and Jack Palmer to be the chief foes of the nonreservation schools. Soon thereafter, his son's escapade at Carlisle led Kirk violently to reverse his own position.

In Washington, the delegate made his rounds. Several of his letters, to the Secretary of the Interior, the Commissioner of Indian Affairs, and to Commissioner Hermann, urged ratification

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of the McLaughlin agreement, praising the Inspector as "a man that got heart in him for a Poor Indian People."[46] Toward the end of his visit, the envoy was stricken with appendicitis, and his half-brother and political foe, Joseph Kirk, rushed to his bedside and remained to bring him home.

New contacts, both with officials and attorneys and possibly with the delegates from other tribes, must greatly have enlarged the horizon for men like Jesse Kirk. Indeed, James McLaughlin, returned to the reservation to execute a new agreement with the Tribe rectifying a mistake in the boundary surveys used, soon found the new mettle in the man. The revised draft, he reported, was

> duly executed by more than the necessary number of Indians belonging to the Agency, but not without having to overcome strong opposition, evidently prearranged and determinedly led by the most influential Indian of the reservation, Reverend Jesse Kirk, who demanded that the clause providing for irrigation of their lands be stricken out, also the clause for the payment of the legal fees of attorneys having duly approved contracts. I, however, remained firm and would not concede any modification or change of a single word, letter or punctuation mark in the agreement as prepared by the Commissioner of Indian Affairs, and it was thus concluded by a large majority of the Indians signing the agreement. When Rev. Jesse Kirk found that I was going to succeed in obtaining the required number of signatures he, together with his followers, finally came forward and signed the agreement—and he also signed as one of the two Interpreters.
>
> The opposition of said Rev. Jesse Kirk, was influenced by the fact that he visited Washington last winter, remaining there some months, during which time he learned that large appropriations were being made by Congress for general irrigation purposes on Indian reservations, and that the Klamath could have from such appropriations all the money necessary for irrigating their lands without providing for such in this agreement, and as the contract with their attorneys was for a period of eight years, and expires on July 21, 1901, he captiously desired to exclude the clause protecting them.

Jesse Kirk, so McLaughlin learned, had been informed in Washington that the Indians need not employ attorneys, since the case was sure to be decided in their favor. Many Indians, however, did not agree with his view and desired to keep good faith

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with the attorneys. There were some, who nonetheless wanted to submit a petition setting forth their views.[47]

If all who signed the agreement after Jesse Kirk were his adherents, he could count on 121 men against 70 for the proadministration faction.

Domestic issues added weight to discontent. Soon after taking office, Oliver Applegate had set up road districts, each presided over by the policeman within it, and had permitted the police to settle minor differences within their several districts.[48] He had, moreover, apparently reversed the policy of Emery, who had permitted the Indians to elect both police and judges for the reservation. Early in 1900, a group of Klamath, apparently led by Jesse Kirk, became insistent that elections be reinstituted. Applegate was reluctant to accede, since he "felt that an Agents selection of his military force and administrators of justice should not be trammeled by selections which might be the result more of 'political' management than of the honest opinions of the majority." However, he agreed to ask for an opinion from the Commissioner.[49]

Gen. A. C. Hawley was sent to consider the issue, and conducted his investigation largely during Jesse Kirk's absence in Washington. At the end of his tour, Hawley strongly supported the position entertained by Applegate, who observed:

> . . . if at any time this electoral system should become in order, in the selection of the agent's personal assistants and executive force, the time had not yet arrived to put this privilege in the hands of the people. It would increase rather than limit the number of tribal and family feuds and keep alive the numerous personal jealousies which we are endeavoring to stamp out.[50]

The matter, however, was far from settled. Early in 1902, on the eve of Jesse Kirk's departure for Washington to secure ratification of the revised McLaughlin agreement, a petition was prepared by his faction requesting the privilege of being allowed to elect the mooted officers, subject to approval of the U.S. Indian Agent. This document bore 120 signatures, and is in line with estimates of the strength of this faction. The covering letter, by Jesse Kirk, urged in behalf of the Klamath that

> they desire to take steps forward and prepare themselves in citizenship for the years to come, and encourage them into civili-

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> zation only, and not into blankets and long haired Indians in old custom. But to encourage them in education as well as christianity, which will enable them to be a civilized people.

He cited the industry of the Klamath, claiming that they were self-sustaining through such enterprises as stock raising and laboring. The concession of a safeguard in elections may have been his, for he stressed that election of officers must be confirmed not only by the Agent but by the Secretary of the Interior. The Commissioner simply forwarded the documents to Applegate,[51] who, as if to point up the grievances, had just named three new judges.[52]

The actions of the Agent—now retitled Superintendent—in the investigation of the death of one George Modoc brought into the fray that educated gadfly, Charles S. Hood. A Carlisle graduate and leader of the returned Modoc, Hood took an interest in the case when Grant Smith, a fellow tribesman, was held on suspicion of having had a hand in the death. Some four months later, Hood wrote Applegate urging that Smith be released to look after his family and stock, with the understanding that Smith would come back to stand trial. Apparently rebuffed, Hood then wrote to the U.S. Attorney in Portland, who sternly demanded of Applegate, "Will you please inform me by what process or authority he is confined in jail, and whether or not in your judgment if [he] is liberated he will run away." Stung, the Superintendent denied that statement and claimed that Smith had been on parole most of the time so that he could look after his affairs.[53] The attacks upon him seem to have driven Applegate toward a more extreme position, as reflected in his recourse for local cases to police courts instead of the less subordinate Court of Indian Offenses.[54]

In 1904, the pace quickened. Through the early part of the year, Knott C. Egbert found Henry Jackson ungovernable. In April, Jesse Kirk, once more in Washington, directed a letter to Commissioner Jones. It was transmitted by Oregon's Senators Mitchell and Fulton and Representative Williamson, with these words:

> We have every confidence in Mr. Kirk, and we are sure he would made no recommendations that he did not feel were fully justified, and we are also aware of the fact that the Indians of

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the Agency, in the main, have implicit confidence in him, or they would not send him here each year as their agent to look after their interests."

In his letter, Kirk once more called for elections, stating, "The present manner of selection does not result in securing the services of the best men. . . ." He was instructed, he said, to suggest and request that an election be held on the fifth of July when the tribe in council might make its selection, and further proposed

> that you instruct your Superintendent to be guided by such selection in the appointment of persons to fill these offices; these appointments by the Superintendent, of course, to be ratified and approved by you. This in order that, should our selection be ignored by the Superintendent, we may have the opportunity of being heard by you."

This bold typescript letter, its flowing style so unlike Jesse Kirk's, bears every earmark of expert assistance. The source of that aid, either legal or legislative, is suggested by the circumstance that the next letter, to Applegate, was forwarded by the congressional trio with a covering letter dated the same day. The Kirk epistle set forth the same demands for an election, but did not mention an appeal to the Commissioner. In their covering letter, Mitchell and his colleagues observed, "Mr. Kirk seems to be very strongly of the opinion that the plans suggested in this communication should be adopted," and they urged that Applegate give it "very careful consideration."[57]

On his return, Jesse Kirk set about a direct assult upon the Superintendent. First came a letter from the "Delegate and Agent of the Klamath, Modoc, and Yahooskin band of Snake Indians" to the Commissioner, charging that livestock were permitted to trespass upon the reservation and that O. C. Applegate and his stockman and chief of police, George W. Loosley, "systematically" ignored and suppressed complaints on the subject. Loosley, it was charged, continually evaded his duty and "loiters indolently his time away at the agency. . . ." Jesse Kirk, for his part, wanted no white cattle at all upon the reservation. This letter, together with that written earlier to the commissioner on the elections, was buttressed by two petitions circulated together, bearing 184 and 183 signatures, each certified by nine men, Jesse

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Kirk, Henry Jackson, Drummer David, Logan Pompey, Albert Jackson, Yank Lobert, Ike Jackson, William A. Moore, and Sargent Brown.[58]

A letter to the Commission one month later, signed by the same nine men, asserted that Abraham Charley (then captain of police) was immediately responsible for stock trespass upon the reservation through his policy of renting tribal and unfenced allotted lands, a practice for which he lacked tribal consent.[59]

Within the month, the delegate wrote Senator Mitchell on behalf of a runaway schoolboy who, it was claimed, preferred to go to Chemawa. Mitchell sent the letter on to the Commissioner. When the Commissioner detailed the matter to his subordinate, Applegate at last flared forth.

> Permit me to say in this connection that the interference of the "Rev." Jesse Kirk in the affairs of the Agency and Schools has become nearly intolerable and that it is a decided menace to the peace and tranquility of the Schools and in fact of the entire reservation. His hostility to the authorities is now boldly asserted, though for a long time treacherously veiled, and it may be necessary, and that very soon, to restrain him in some way or to remove him from the reservation.[60]

Applegate had not long to wait for the next blow. His letter crossed one from the Commissioner transmitting a telegram and a letter sent to the President by Jesse Kirk and others charging the Superintendent with mismanagement of the affairs of the Agency and schools. Applegate was ineffectual, claimed the letter; he did not maintain discipline and permitted drunkenness; he bestowed undue favors upon Abraham Charley, particularly in allowing him to take out a grazing permit; he let the fields grow up to weeds; and he opposed sending children to nonreservation schools. Applegate roundly denied all charges, pointing out that three of his ten accusers were former Agency employees, dropped from service for various reasons, and that another three were expolicemen who had been found undesirable. All of them he branded "henchmen and followers of the chief conspirator, the 'Rev.' Jesse Kirk." Even then they were circulating another petition on the reservation.[61]

Before Applegate's round was fairly on the way, the hapless administrator received the next salvo. This time the Commissioner forwarded the letters and petitions from the Kirk faction

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on the trespass and election issues, together with a telegram protesting approval of the Abraham Charley permit and supporting letters from the Washington law firm of Dudley and Michener. Several months passed before Applegate came around to answering, which he did in temperate and reasoned tones. His remarks add little to what he had said previously.[62]

Meanwhile, Applegate was given an assignment which could only embroil him further. Upon instructions from the Commissioner, he and an assistant set forth with representatives of the Booth-Kelly Lumber Company, which had succeeded to the Military Road claims, to select lands in lieu of the 111,000 acres they held across the face of the reservation. Eventually, a tract of 87,000 acres of prime timber in the northeastern corner of the reservation was selected.[63]

Jesse Kirk is said to have opposed vehemently any cession of land, while his half-brother favored the arrangement finally arrived at.[64] Not until the fiery Indian leader was dead did the tribe finally agree to accept the sum of $108,750 from the United States in return for a quitclaim against the government; and that was achieved in the face of determined opposition from Clayton Kirk, who took up the battle from his father and bombarded Washington with petitions.

In later days Applegate believed that "in equity the Indians ought to have had the entire reservation. . . . They should be fully compensated." In 1904, however, he stood too close to the factionalism, and Ivan's role in the negotiations was too well recalled for him to avoid suspicion. Any of his acts were likely to become, in Merton's term, a self-fulfilling prophecy of complicity.[65]

Conditions at Klamath now prompted the Commissioner to send out as inspector Supervisor of Indian Schools M. F. Holland, whose harsh measures precipitated the final battle. At the [361] Agency, a number of Indians, several of them employees, had erected a dozen shanties out of rejected lumber from the sawmill. Holland evidently found Slabtown, as the settlement was known, an eyesore. A former inhabitant there has suggested that Holland may also have been irked by the community's practice of providing food for various councils conducted by Jesse Kirk. The supervisor now ordered Slabtown razed. Accordingly, Applegate served notice on the residents to remove by the first of March.[66]

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At the same time, Holland ordered that Indians be prohibited from loitering about the Agency office and other buildings.

Soon thereafter, Jesse Kirk with a group estimated by Applegate to number twenty or thirty persons and enumerated by the opposition at fourteen, either attempted to test the prohibition or were the objects of its first enforcement. In the ensuing scuffle with the Indian police, Holland seems to have been struck.[67] "Though the effort to expel them was successful, and without loss of life," related Applegate, "they left the Agency in a defiant and sullenish humor and the ensuing night sent to the other Agency (Yainax) for reinforcements and yet maintain an ugly and rebellious gathering on the reservation." Terming the incident a "riot," the Superintendent called in all seven policemen from the Lower End, added five more special police, and sought permission to expedite purchase of ammunition.[68]

What had been the business of the "rebels" at the Agency that day? They had been collecting signatures for another of Jesse Kirk's petitions, this time directed against O. C. Applegate, George W. Loosley, and "their special appointed man, Abraham Charley."[69] The petition had been drawn up by Jesse Kirk and a local attorney, F. H. Mills, retained by the Indians. Mills, a deputy district attorney for Klamath Falls, had previously taken Indian cases,[70] but a crusading element seems evident in his involvement in this dispute. J. W. Evans, the Assistant Superintendent at Yainax, noted that Henry Jackson had been paying his fees and that the Indians had put up $500 as a retainer.[71]

After their rebuff at the Agency, the Kirk faction withdrew to Yainax, where they held meetings at the home of Henry Jackson and gathered signatures for their petition. In the end, 133 men, over half of the eligible voters, signed. Evans claimed that deceit and force were used, and that a "kind of secrecy" was maintained, but Mills contended that others had also desired to sign, being prevented from doing so by subsequent events. Mills, charged Evans, "used his personal influence to get the Indians to sign."

While the meeting was still in session, one of the Indian police came in with a request from three of the "leading Indians" (unnamed by Evans) of the Yainax district, asking that the police stop the session, on the grounds that the disputes would engender trouble. Evans thereupon ordered Abraham Charley, captain of

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police, to put an end to that meeting and to call one at the house of Harrison Brown—a proadministration leader—to try to effect a settlement. At that session, not unexpectedly, feelings ran high. Unable to come to an agreement, the Kirk faction broke off discussion and resumed their meeting at Jackson's.

Thereupon, Abraham Charley summoned all parties to the office of the Assistant Superintendent in the Yainax school, where, for six hours, some forty men argued. Finally, Evans stated that he could not prevent circulation of the petition so long as that did not cause a disturbance. Harrison Brown's party promptly surged forward and sought to seize the petition by force, but were prevented, said Evans, by the police. The conditions of unrest having been established, Evans was able to require that the petition be delivered up to him "until a general council could be regularly called and decide on its disposal."

Evans ended his report with a denunciation of Jesse Kirk as "a disturbing element on the reservation, [who] has a bad influence on the Indians. He should be told to go to his ranch and work it, or be put off the reservation." Of the attorney, he observed:

> Frank Mills should be told to leave the Indians and go out of the Government's business, and if there is anything to be attended to or settled, there are proper officers belonging to the Commissioner's Department and Department of the Interior who can do it."

Despite his brave front, Oliver Applegate had already privately conceded defeat and was writing his friend and former subordinate, Knott C. Egbert, at Siletz reservation, suggesting that he apply for the Superintendency. He was evidently dismayed by the turn events had taken and alarmed, suggests his son, for the safety of his family. Moreover, a letter from Egbert intimates that Applegate felt a lack of administrative support, since he had been confirmed as Superintendent through his service as Agent, and had not passed the civil service examinations. Egbert proposed that he take the examination quietly in Portland; but the Applegates had long opposed the establishment of the civil service, and the advice seems to have proven repugnant.[73]

Meanwhile, early in March, a council was held at Yainax. It was presided over by Levi Walker, and the principal business

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was transacted by Jack Palmer, Harrison Brown, Ike Mose, and Abraham Charley. A committee of ten men submitted a report of the findings of the council, presenting the proadministration viewpoint and requesting "that these men [Kirk and party] be not allowed to do any more business pertaining to the tribe without tribal authority."[74]

Jesse Kirk and his adherents did not participate in the "loyal" council. After the scene in Evans' office, Kirk and Jackson had consulted with Mills in Klamath Falls. In the company of the attorney they then returned to demand the petition. Evans refused, informing Mills that "no attorney had any right to interfere in tribal affairs without permission from the Interior Department." The three retired and with others of the faction drew up another petition which they forwarded to Washington.[75]

In his letter of transmittal to the firm of Dudley and Michener in the capital, who were in turn to present the matter to the Commissioner, Mills shed a new perspective upon matters. After reviewing some of the earlier developments, he turned to the investigations of Inspector Holland, which, as he said,

> proceeded along smothly [sic] enough until the questions of money and property became the subject of inquiry when it developed that during the last four years a system of collecting money, stock, lumber and other property had been adopted; it seems that this was done by first having the "Indian" court (a sort of disciplinary tribunal which has been authorized or rather sanctioned by the department) impose a penalty or punishment and then allow the indian defendant to pay in cash or such other property as he might chance to have and notwithstanding that such court has no such authority to impose fine or collect money in that way. . . . During the time of the investigation some of the fines which had been collected one or two years were paid back to the defendants. . . . It is conclusive proof had there not been an illegal practice . . . no such returns would have been made. . . .

Although Holland had inquired into only one case, there had been several. Jesse Kirk had requested of George Loosley, chief of police, the list of fines imposed, but was denied it. Finally, Loosley consented to divulge the sum, amounting to $2,651 collected over a four-year period.

At the center of the case, claimed Mills, was Applegate, related through marriage to three brothers of the Loosley family. Two

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of them, George and Fred, while employees of the Agency, had purchased lumber, posts, and similar items from Indians to build upon their 10,000-acre ranch.

The most serious malfeasance he charged, however was "the matter of leasing under the special permit system of unallotted tribal lands during the past three or four years." The usual system was for the Superintendent and George Loosley (who was also Agency stockman) to lease a district to an Indian, for example Abraham Charley or Harrison Brown, who in turn leased to whites at one dollar per head of cattle. "It is only those who have engaged in leasing the lands," Mills went on, "that have threatened violence if the petition was sent on to Washington. . . ." He suspected "a large discrepancy between the books of account and the amounts paid in for grazing upon the various districts of unallotted tribel [sic] lands as well as trespasses." During the past four years, less than $4,000 (and probably only $2,667) had been paid in, as against estimated returns of $10,000 from grazing alone.

The Indians therefore demanded the removal of Applegate and George Loosley, the election of officials, and an end to cattle trespass. They demanded more effective voice for the council in leasing and in disbursing Indian money. Finally, they noted other grievances in the treatment of sick school children and demanded that they be permitted to send their children to outside schools.[76]

The accuracy of these charges is secondary to the images of the truth they generated. It is of principal importance that Jesse Kirk was able to convince a large following that the charges were indeed correct. From the standpoint of his faction he then became a man deeply concerned with administrative abuses and striving to remove them by free elections. In that view, Applegate's obduracy drove Kirk reluctantly to more explicit detail until in the end he was forced openly to seek the Superintendent's removal.

In Washington, a new administration was in the saddle, and the new Commissioner was the reformer, F. E. Leupp. Even if Applegate were innocent, the embroilments under his administration would not have recommended his retention. In May, he vacated his office for Horace G. Wilson. Applegate had already received a temporary appointment as clerk at the Grande Ronde

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Reservation, and within a year he was to return to Klamath as clerk for Indian employment. Evidently, the Bureau did not place much credence in the accusations.[77]

The "rebels" were jubilant, and the Commissioner found it necessary to visit the reservation and issue a statement denying that the Superintendent had been forced to resign. Though he "gave it good to Jesse," he did little to dampen his spirit.[78] Evans, writing to his former superior, detailed Kirk's efforts to assume a fuller leadership. He had informed the Indians that Superintendent Wilson had no right to go to Washington unless by their direction and with their instructions. Moreover, he was maintaining that "the man who was here was not the real Commr. but a just believe one. The real man would talk different to them he says."[79] His period of triumph, however, was brief, for in December, 1906, Jesse Kirk succumbed to typhoid.[80]

His death ended a critical phase of Klamath political development. When it closed, tribal political leaders had established the institution of the delegation that, bypassing the Bureau, dealt directly with congressional leaders in Washington. In matters requiring expert counsel, they relied upon attorneys retained by tribe or faction. Claims against the government, as political leaders found, were effective issues to attract adherents; and those who sought self-enhancement were ready to take advantage of them.

With the enlargement of sphere, the extension of operations to Washington, decisive action tended to be removed from the reservation to the capital. In the factionalism just reviewed, it is significant that there appears, perhaps for the first time, the spectacle of partisan councils, each excluding the opposition and each purporting to represent tribal opinion.

Saddened by the conflict, Knott C. Egbert wrote prophetic words from Siletz. "The Klamaths," he observed, "might be enormously wealthy if less turbulent, and had behaved. . . . After all though, notwithstanding it would make them paupers, it may be best for the govt. to buy them out and sell the surplus lands. They will sooner become rational." And he added, "One could well dread the sweating period through which the Klamaths must pass on the path to full citizenship, involving as it does the acquisition of money, the drinking of lots rum &c. . . ."[81]

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crease of tribal business following allotment, the Bureau of Indian Affairs pressed for the formation of a supplementary executive body. At Klamath the need for such a body may have been underscored by the abuse of the common council in the partisan sessions called by the Kirk and Brown factions. Thus, 1908 saw the introduction of an executive body, called the tribal council, to function in addition to the occasional councils. Initially, it was made up of twelve men, six from each End of the reservation, and with communal representation: its membership included seven Klamath, three Modoc, and one each from the Pit River and Paiute. Since it proved difficult to maintain a quorum, the number was subsequently reduced to eight members.

In 1927, the factionalism which had earlier brought into question the legitimacy of the common council now touched the tribal council; for in that year a dissident group elected a rival body and claimed that it had superseded the existing council. Their action placed in jeopardy the efficient administration of the tribal resources, and the Commissioner of Indian Affairs consequently insisted that matters be set upon a constitutional footing. After considering several tribal charters submitted to them as models, the Klamath in 1929 enacted their own constitution and by-laws for the executive body, now restyled the Business Committee. Its six members, three from each End, were to consider ". . . business matters pertaining to the Tribe. [Matters] of great importance to the Tribe and which the Business Committee believe should be referred to a general tribal council" might be so referred by a vote of five members of the Committee, with the consent of the Superintendent.[2]

Once more, in 1950, envisaging a time when the tribal government would have full control over the common estate, a new constitution was enacted, this time for the General Council. By its terms, all powers were vested in that body, made up of all adult tribal members. In addition, an Executive Committee was designated, to be composed of the eight members—the number had again been increased—of the erstwhile Business Committee, together with the President and Secretary of the General Council. To this new committee, the General Council was authorized to delegate powers, although as matters turned out it did so only reluctantly and after long delay. In turn, by appropriate vote

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While the political strength of a family is seen not only in the succession of interest but in a propensity for members of a family to vote *en bloc*, this is far from invariably true. The schism separating Jesse Kirk from his half-brother, Joseph, is one prominent instance—and by no means the only one—to the contrary. In fact, alignment within the family and extended kin has often been modified by contending considerations.

Nonetheless, for some leaders the solidarity of family sometimes took precedence over impartiality in the discharge of office. One tribal council member is quoted as defending his action favoring certain enrollments by the explanation ". . . that since two children were his niece's children, he felt that it was his duty to guard the interests of his minor relatives."[8] Political leaders, seeking to emphasize the purity of their motives, needed to go no further in justification than to declare that they sought only the welfare of their grandchildren.

Although intermarriage and alternative associations have long overlaid clear identification with the several peoples who had entered into the treaty, such affiliations have continued to exert political force, however greatly diminished in recent years. In turn, they related to the two broad communities on the reservation. The Lower End remained predominantly Klamath, while Modoc, Paiute, as well as a number of Klamath and Pit River, comprised the Upper End community some forty miles away. Even after the closing of the subagency at Yainax, the populations of Sprague River and Beatty continued to reflect the special character of the eastern reservation.

In turn, the relatively easier access of the Lower End to outside influences—a subject already reviewed in discussing modern tribal demography—superimposed the effects of differential acculturation and intermarriage upon the traditional subtribal allegiances that distinguished the two Ends. Difficulty of travel along the road from the Agency to Yainax had given rise to the practice, long maintained, of holding separate councils at each place. Thus at the two Ends there had developed political communities responsive to their own local leaders. Harrison Brown, in 1931, played upon a familiar theme when he recognized in Wade Crawford, a leader from the Lower End ". . . a young man who is not a full-blood, who is trying to stir up trouble, and we

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want to set him aside, as he does not understand what we want. . . . I am one of the full-blood Klamath leaders," he continued, "and I don't want any trouble with the government."[9]

In the factional struggle marking the final generation of tribal government, Wade Crawford and his wife, Ida, drew their principal strength from the Lower End and the absentee membership; while many of the leaders opposing them, including Harrison Brown, Levi Walker, Boyd Jackson, and later Jesse Lee Kirk, hailed from the Upper End and found their major strength there. Despite exceptions and progressive weakening, the dichotomy was long a working reality, of which the loyalty of the Paiute to Boyd Jackson was only the most signal of many expressions.

A review of tribal minutes over the last half-century reveals a striking faithfulness in the voting of the most prominent adherents of those leaders. It seems clear that out of factionalism small but stable parties were beginning to emerge, to which, however, the large body of tribal members remained uncommitted. It was upon his immediate followers that a leader relied for support in raising funds or carrying a point to the undecided. At the same time, his image drew dimension from the character, as well as the number, of his adherents. That the personal image was still important, and that loyalties were not invoked in terms of issues alone, is seen by the personal denigration which took place between factional opponents and by the identification of each partisan group with its leader in the phrase, "He's a Crawford—or Jackson—man."

The professional politician had come to dominate the ranks of leaders. It was not simply that industry in the management of one's private affairs held less significance in a world made equal by the flow of per capitas. The tasks confronting the new leaders also were different. It was no longer sufficient to provide aid out of one's pocket and offer sage advice in public gatherings. The new leader must be prepared to devote most of his time to political matters. He must concern himself with the administrative duties of the tribal office, to prolonged negotiation with Bureau personnel and with the officials and private individuals representing the interests of neighboring whites. On occasion, there were the delegations to Washington. Daily, there were the chores to be undertaken for constituents in the fence-mending that was

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integral to the maintenance of power. Tribal leadership had become a full-time job, requiring its own set of special talents. The rewards offered were considerable, not only those of power and prestige, but in per diem fees and in the funds advanced on occasion by followers and—persistent rumor had it—by outside interests as well.

The rise of the new leaders did not entirely spell the eclipse of the old. Even in the last decade of tribal government, a senior member of the executive was James Johnson, a wealthy stockman from the Lower End. Another man, Seldon Kirk, one of the three politically prominent sons of Jesse Kirk, worked as a carpenter for the Agency, and was therefore sometimes accused of being a pawn of the administration. He took up the guerdon from his brother, Clayton, and later came to exemplify a moderate position in his own right, even in the last, turbulent days of the Tribe. Until his retirement, he served as permanent chairman of the General Council, then was succeeded by his brother, Jesse Lee. The example of Seldon Kirk in turn brought onto the political scene several younger men, like him occupying the middle ground, and concerned only peripherally with the party building activities of the professional politicians.

Tribal government thus developed along the intersection of an informal, particularistic political system and a counterposed, highly rationalized bureaucracy; and the emergence of the new leaders was merely one of the consequences. Within the frame so defined, the leaders were beset with the party-political[10] task of marshaling support for their programs. It was hazardous to trust alone to appeals to reason, for the issues were often complex and difficult to interpret for a wary electorate. Since the number of his devoted adherents was inadequate to carry the day, the practical politician had resort to a supplementary arsenal of tactical devices. It was at this level that political acculturation proved to have been most pervasive.

In he first instance, a leader might sometimes seek to mobilize support by playing upon a popular cause. Often this took the form of a defense against an outsider. A claim against the government, attacks upon the Bureau, particularly in the person of the Superintendent,[11] the repulse of intrusions upon the tribal domain by white commercial or sporting interests: these issues

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might be exploited instrumentally to broaden the base of appeal. Other devices entailed the manipulation of particularistic loyalties. Politicians from the less populous and ethnically more diverse Upper End endeavored to retain districting, whereby the members of the executive body were elected in equal numbers by each End; and they also sought to preserve communal representation, which ensured that each of the traditional subtribal groups, Pit River and Paiute, as well as Modoc and Klamath, would find a place in that body. These measures were opposed as a matter of course by Crawford, the Lower End leader; but it was he in turn who had been responsible for the election in 1927 in which only the Lower End took part, thus creating a second tribal council and precipitating the Bureau's demand for a tribal constitution.

The tactics employed to control voting were diverse. In general elections, Jackson favored restriction of voting to polling places located on the reservation, against attempts by his rival to secure absentee balloting, a measure that would swell the response from his off-reservation constituency. For General Council meetings, Jackson sought to continue the practice of alternating their site between the Ends, and for those held at the Agency he provided stages at tribal expense to transport members from the Upper End.

Seating within the General Council was conventionally by faction, a device that provided an easy check upon voting regularity, although the chairs along the wall afforded a retreat for the less partisan. Jackson further favored a standing vote,[12] while Crawford, particularly while he was out of power, called instead for a secret ballot. Each side on occasion exercised the boycott to prevent the mustering of a quorum when the issue was likely to go against it,[13] and Crawford also resorted to the filibuster, under cover of which his forces might withdraw in order to attain the same end. Each also strove, when he no longer controlled the executive body, to route business instead through the General Council.

In the recruitment of a following, leaders found many occasions to render personal services, appointing the faithful to tribal positions, serving as advocate in their favor, sponsoring the enrollment of their children as tribal members, or advancing them

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money from the tribal fund set aside for the purpose. Interlocking memberships of the Executive Committee, the Enrollment Committee, and the Loan Board made those bodies the apex of tribal power. If the first-named was the central body, and important particularly in relations with agencies beyond the Tribe, the other two were no less essential in the administration of patronage.

The Tribal Loan Board had been established to preside over a fund set aside from the Yamsay Judgment of 1938, by which the issue of the Military Road had finally been settled. The fund had been designed to provide capital advances for tribal members, many of whom found bankers reluctant to lend to them. Although loans were supposed to be applied only to improvements, it became common practice to spend them merely as an anticipation of the next per capita. When the Bureau called a halt to its operations in 1955, the Board had out on loan approximately a half-million dollars, or the equivalent of almost $250 per member, and a collector had to be engaged to recover a sizeable portion of it.[14]

The Enrollment Committee was the third seat of power. Admission of one's children to tribal membership was eagerly sought, and not alone for reasons of sentiment. Once he was a tribal member, a child was vested with a pro-rata share of the undivided tribal estate, amounting at the time of termination to some $43,500. In addition he qualified to receive the per capita dividends that, subject to Agency restriction, were commonly drawn upon to defray current family living expenses.

Despite—and sometimes because of—these tactical measures, by which partisan leaders strove to bind them, many tribal members were driven into abstention by the bitter contentions that marked the final generation of tribal life. Although hundreds flocked to the luncheon set out at tribal expense in the Council Hall for those attending the General Council, morning meetings failed so frequently to draw a quorum that they were discontinued; and even afternoon sessions sometimes could not muster one hundred adults from among the thronging diners to transact tribal business. When they did come, they were often in holiday mood, frequently interrupting speakers, and exhibiting a keen appreciation for lengthy, eloquent, and often irrelevant harangues

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*648 *657 619 tial in controlling Bureau programs and appropriations, tribal delegations formed an instrument of power the mere awareness of which undoubtedly tempered ordinary intercourse between Bureau and Tribe.

*648 *657 619 • 665 In turn, the knowledge that the final decisions were made in distant Washington endowed local politics with an aspect remote from reality. Congressmen, mindful of the right of the citizen to be heard, began to be treated to the spectacle of official delegates comprising members of both factions, who argued among themselves before committee hearings, each claiming to represent the position of "the Klamath people." If a tribal politician was defeated for a place on the delegation, he had only to raise funds from supporters in order to make his way to the capital. Enlisting the aid of long-time legislative allies, he would then secure a hearing every whit as attentive as that accorded the official representatives of the Tribe. In the words of Wade Crawford, uttered after a local defeat in 1947:

> I can be outvoted, that doesn't mean one thing to me. . . . There are 400 Congressmen and 96 Senators, and I'm going to talk to each man that will give me five minutes. People ought to understand who Congress is. Anybody can go. You don't have to be an official delegate, you can go as an individual."

*648 *657 619 421 Since Washington had become the seat of decision, local consensus was rendered largely superfluous, and tribal affairs descended to a level of wrangling and petty maneuver. Nonetheless, major issues were being debated, concerned with no less a subject than the disposal of the tribal estate and the consequent transformation of the Tribe itself. Because Bureau administration was prominently involved in the handling of tribal or personal property, any attempt to secure release from federal trusteeship was customarily addressed first to the freeing of tribal resources. In 1900, the Board of Indian Commissioners, hailing the changes anticipated from allotment, had called for the pro rata apportionment among members of any undivided tribal funds, the retention of which, they contended, merely served to perpetuate the Indian problem. They continued:

> A law of this character would enable us all to see some reasonable limit of time to special Indian laws and special Indian administration. It would put an end to the expectation of per-

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pro rata apportionment of the tribal assets. Toward this end, he turned increasingly for support toward the absentee membership.

Thus it was that in 1945, returned to Washington as a delegate, Crawford sought passage of a bill that combined some of the aims of the final settlement proposals with federal purchase of the tribal tracts, which would then be established as national forests, and with the liquidation of other properties. This met opposition from the dominant tribal party, by this time under the leadership of Boyd Jackson, Dice Crain, and Jesse Lee Kirk. In successive versions, the proposed legislation was the subject of hearings conducted both in Washington and on the reservation. As an outcome of suggestions made then, Supt. Bert. G. Courtright prepared a trial bill permitting voluntary withdrawal of competent members, each of whom was to be paid a portion of his share in the tribal estate. A shift of political winds now swept Crawford, who became the chief proponent of this bill, back into political ascendancy.

At this juncture, Seldon Kirk, the respected chairman of the General Council, intervened to secure establishment of an extraordinary special committee of those "who believe in the perpetuation of the Klamath Reservation." Among the eight members, in addition to Kirk himself, were Jackson and several of his adherents. The committee drew up a new constitution for the Tribe, designed to provide a structure satisfactory for self-government over a proposed transition of two decades. It was adopted in 1950, but only after being linked with the voluntary withdrawal bill; and thus for a time both parties rested satisfied. From a long-range view, it is noteworthy that Crawford had turned from a plan for an enduring tribal cooperative to one directed to the piecemeal withdrawal of members who wished to sever tribal connections. In their turn, the former advocates of final settlement had become the champions for the preservation of the tribal body.

Further attempts by Crawford to amend the voluntary withdrawal bill and other circumstances delayed action on it until 1953, by which time the government had embarked upon a program seeking to terminate federal supervision over a number of Indian reservations. Chief among them was that at Klamath, for which terms were proposed similar to those outlined for the

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timber-rich Menominee.[21] Crawford and Jackson, examining the federal proposal, which envisaged a private corporation, jointly concluded that such an arrangement would be uneconomic for the Tribe under Oregon law, and in its place advocated a tribal cooperative. This harmony between factional leaders seemed highly suspect to tribesmen long attuned to discord; and they rejected the proposal.

Eager for a resolution, congressional forces now brought pressure upon the Bureau, which produced another draft of the proposal and, under similar pressure,[22] the factional leaders were brought to a compromise in the final hours of the 1954 session. Enacted as Public Law 587, the legislation provided that members might elect either to withdraw, receiving their pro rata share of tribal property, or remain in a surviving economic entity. Thereafter, as it became apparent that the unanticipated size of the withdrawing body was likely to remove large tracts of timber from sustained-yield management, thus plunging the Klamath Basin into a cycle of "boom and bust," various bodies, both public and private, began tardily to intervene. Since the legislation had favored their position, the Crawford forces adamantly opposed any changes whatsoever, while Jackson and Jesse Lee Kirk were equally zealous in endorsing any amendment that promised to better the position of the remaining members.

In the latter days of the termination program, as they approached the election that was to mark the personal decision to withdraw or remain, there emerged among tribal members a new coalition of moderates, seeking a position independent of the factions. The Klamath Information and Education Office, established by the State Department of Education under the Termination Act, had encouraged tribal members to come together to explore together the issues posed by the Act, so that they might cast their votes more intelligently. The Reservation Discussion Group that resulted included in its membership individuals who had long held aloof from the partisan struggle, together with younger moderates holding secondary tribal posts. The coalition now entered the lists and, in one of the last formal elections held by the General Council, scored impressive gains. They lacked a clear-cut program, however, and soon after their victory their group was sundered. Within the remaining members, however,

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members of the Discussion Group remained influential. More significantly, perhaps, for the long run, they began to employ their newfound unity in fund-raising enterprises in Chiloquin, and thus took an initial step in creating a new civic image for the Klamath.

When the vote was held, over seventy per cent of the tribal membership elected to withdraw, the government purchasing their land and creating from it the Winema National Forest. Of the other voters, the majority did not directly elect to enter into the trust under which the U.S. National Bank has since been managing their joint resources. In this last decisive moment, they returned no ballot at all, and thus were automatically included among the remaining members. The outcome of the vote was in part an expression of confidence among the Klamath in their ability to handle their own affairs, in a measure a rejection of any continued trust status, colored with the anticipation of realizing a large sum—approximately $43,500 per person. However, so complex were the issues and so heavily were they beclouded at the time of voting by contending claims and interpretations, that it is doubtful whether many members could in fact specify all the considerations which guided their final decision.

In the period since the enactment of termination in 1954, the Klamath became increasingly receptive toward inclusion within the broader rubric of what Mead has termed "American Indian nationality," and have begun to participate in pan-Indian affairs.[23] Membership in the National Congress of American Indians, participation in American Indian Days at Sheridan, Wyoming,[24] sponsorship of the All-Indian Invitational Basketball Tournament in Chiloquin and of an American Indian Beauty contest held in conjunction with it: these were only some of the more concrete manifestations. Although pan-Indianism has been growing, the receptivity on the part of the Klamath seems keyed to their needs in the crisis that confronted them. Threatened with the loss of the tribal body that had symbolized their collective heritage, they repaired to others which enabled them to preserve their identity. Those who would see the termination vote as an election by the majority of tribal members to become completely assimilated into the larger society must reckon in the significance of this neo-nativist movement.

White ethnic exclusiveness is reflected 648
in minimal Klamath participation in formal organizations, lodges, political 621
groups, scouts, and various clubs. Elite groups such as the Masons are ex- 563
clusively White, while the elite Methodist church contains a single Klamath [575]
member. In the century of contact few Klamath have held elective office out- [794]
side the tribal structure, and although a high percentage have registered, very
few vote in local, state, or national elections. The dual structure of local [666]
communities is best reflected in the sharp division of networks of friendships [571]
and home visiting, White on the one hand, Klamath on the other. Clearly, the
place and role of the Klamath is a special one.

Their special status has numerous implications. For years, to obtain their [273]
drinking liquor the Klamath had to turn to bootleggers, a legal disability which [671]
was removed only in 1951. Local law enforcement has sometimes been difficult
due to dual or conflicting jurisdictions, and jurisdiction over major crimes
committed by Klamath was given over to the state of Oregon in 1953. The land [423]
holdings of Klamath property owners, because of their special status, are fre- [651]
quently tax exempt, as have been their per capita payments. Simultaneously,
the Klamath have exhibited little constructive concern with local affairs. As
was noted, their contribution to the community takes a special form. In Chilo- [674]
quin during a typical year arrests of tribal members amounted to 70 percent of
the total, and they also paid 70 percent of all fines and forfeited bails and
performed 96 percent of all trustee labor (Stern & Swanson 1960). The wardship [178]
status has, however, suffered gradual attrition, and in 1954 the passage of [657]
Public Law 587 began the final termination of federal supervision of the tribe,
and the dissolution of the reservation.

Under PL 587 the Klamath were allowed the choice of remaining within a recon- 648
stituted "Klamath Tribe," with a corporate structure and assets to be adminis- 657
tered by a trustee, or they had the choice of withdrawing and of receiving a 619
pro rata share of tribal assets. In a later election, about 77 percent of the
membership elected the latter, and chose to withdraw. However, the control of
the new "tribe's" assets and the fact that many persons who withdrew have been
designated as "in need of assistance" indicates that although federal super-
vision has been ended, the control and intervention of Whites has not.

The separation of Whites and Klamath in local communities is by no means entirely 563
due to White attitudes of exclusiveness or to overt discrimination. Individual 619
Klamath have shown an equally noncommittal relationship to tribal affairs. Atten-
dance at tribal meetings has been very low in spite of numerous inducements such
as free bar-b-ques. In General Council meetings (and tribal affairs, generally) [665]
the conduct of business is marked by extensive and endemic factionalism, delays,
repetitious debate, failure to resolve or even to state issues, and pointless,
lingering sessions. Here is one place, outside of the telling of a ripe but [191]
dirty joke, that one may hear the Klamath language used; but it is used as a
tool to beat down an opposing tribal member who does not understand it. Though
the General Council and the Tribe are symbolic of a corporate separateness and
of a Klamath identity, this minimal participation and the distrust of the ability
of tribal leaders to manage the tribe's resources weakens them as systems of
action.

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Klamath families are another important locus of loyalty and identification.
The household or domestic group itself averages about four members, but there
are many single male households and many domestic groups headed by women.
The latter is symptomatic of the instability of the marriage tie. Marriage, 581
in the legal sense, is itself approximated in frequency by common-law unions [588]
and more temporary "shack-jobs." Probably one-third of all Klamath women have